

REMARKS

This responds to the Office Action dated August 19, 2010.

Claims 27, 35 and 38 are amended, claims 1-26, 30, 36-37, 41, 46-48 are canceled, and no claims are added; as a result, claims 27-29, 31-35, 38-40, 42-45, and 49-70 are now pending in this application.

The Rejection of Claims Under § 103

Claims 27-29, 31-34, 49-65, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,152 (Carlin et al), "Domain Names - Concepts and Facilities" (RFC 1034), and Fisher et al (US Patent 5,835,896), hereinafter Fisher.

Applicants respectfully submit that the rejection of claims 1-2, 4, 8-13, 15 and 19-23 is defective for the reason that the Final Office Action fails to make a *prima facie* showing of obviousness as is required under 35 U.S.C. § 103.

Applicable Law

In rejecting claims under 35 U.S.C. §103, the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. See M.P.E.P. §2142. Further, "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"¹

Argument

Applicant believes that the issue of patentability over Carlin in combination with RFC 1034 and Fisher is best understood with regard to the limitations of claim 27.

¹ *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), cited with approval in *KSR v Teleflex*, 127 S. Ct. 1727, 1740-41 (2007), 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Claim 27 includes the following limitation:

....the sales server is operative to create the impression to a first user that the first user is still using a first member site through which the first user accessed a first sales interface by mapping the first sales interface to a first domain, the sales server is operative to create the impression to a second user that the second user is still using a second member site through which the second user accessed a second user interface by mapping the second sales interface to a second domain different from the first domain, the first domain being a sub-domain of an address mapped to the first member site, the second domain being a sub-domain of an address mapped to the second member site...

Carlin, RFC 1034, and Fisher, whether alone or in combination, fail to teach or suggest the above quoted limitation.

Carlin

Carlin generally relates to a system for hosting an on-line shopping service for remotely-located service providers. The on-line shopping / communications service allows a plurality of service providers provide services to respective groups of subscribers.² The Office Action does not look to Carlin to teach this limitation. Specifically, the Office Action states:

Carlin fails to specifically disclose, though, that the first domain is a sub-domain of an address mapped to the first member site and that the second domain is a sub-domain of an address mapped to the second member site.³

RFC 1043

RFC 1043 is a request for comment published by the Network Working Group, a team lead by Steve Crocker, implementing the host-to-host connectivity and switching layers of the protocol stack of the ARPANET,⁴ a network that later evolved into the Internet. A Request for Comments (RFC) is a memorandum describing methods, behaviors, research, or innovations applicable to the working of the Internet and Internet-connected systems. The RFC 1043 is titled "Domain Names – Concepts and Facilities"⁵ and introduces the Domain Name System (DNS).⁶

² Carlin, Abstract.

³ Office Action, page 3.

⁴ Internet, http://en.wikipedia.org/wiki/International_network (2010).

⁵ Id.

⁶ RFC 1043.

The portion of RFC 1043 identified by the Office Action provides a general description of the domain hierarchy. According to the Office Action the portion of RFC 1043 cited, “describes how the domain hierarchy works.”⁷

Fisher

Fisher relates a system and method for conducting a multi-person interactive auction in a variety of formats. The system allows a group of bidders to interactively place bids over a computer or communications network that are subsequently recorded by the system. When appropriate, the system closes the auction from further bidding and notifies the winning bidders and losers as to the auction outcome. Fisher fails to discuss domains or sub-domains.

Claim 27 recites “...the sales server is operative to create the impression to a first user that the first user is still using a first member site through which the first user accessed a first sales interface by mapping the first sales interface to a first domain...” and “a second member site through which the second user accessed a second user interface by mapping the second sales interface to a second domain different from the first domain, the first domain being a sub-domain of an address mapped to the first member site, the second domain being a sub-domain of an address mapped to the second member site...” In contrast, the above material from Carlin, RFC 1043, and Fisher fails to teach or suggest these limitations. With respect to Carlin, the Office Action states, “Carlin fails to specifically disclose...the first domain is a sub-domain of an address mapped to the first member site and that the second domain is a sub-domain of an address mapped to the second member site.”⁸

Turning to RFC 1043 the Office Action cites a portion of the document that provides a description of “how the domain hierarchy works.”⁹ Indeed, the Office Action provides a description of allegedly how one might arrive at the solution recited by claim 27 based on the cited portion of RFC 1043. Nevertheless, the description of how one might arrive at the solution recited by claim 27 as by the Office Action is mere speculation. The Office Action speculates because RFC 1043 provides a general description of “how the domain hierarchy works”¹⁰ and a

⁷ Office Action, page

⁸ Office Action, page 3.

⁹ Office Action, page

¹⁰ Office Action, page

general description of “how the domain hierarchy works”¹¹ cannot possibly suggest much less teach the quoted limitations of claim 27. Finally, Fisher cannot provide what is lacking in Carlson or RFC 1043 because Fishers fails to even mention the words “domain” or “sub-domain.” Accordingly, Applicant is unable to find a teaching or suggestion of the above quoted limitations from claim 27 in any of the cited references.

Notwithstanding the above, the Office Action alleges to find a motivation to arrive at the features recited in the quoted limitations of claim 27. Specifically, the Office Action states:

one of ordinary skill in the art would have been motivated to map each interface to a different subdomain because of Carlin's suggestion in col. 8, lines 54- 56, which says that it should appear to the subscriber that he or she is connected to an online service that is administered by that service provider.

Applicants respectfully disagree. Applicants disagree for the reason that one of ordinary skill in the art would not be motivated to map each interface to a different sub-domain based on the cited text from Carlin. The cited text from Carlin states:

As can be seen from FIGS. 4-5, from the subscriber's standpoint, it appears that he is connected to a on-line service which is administered by the service provider. Since all electronic mail, forums, roundtables, newsletters and similar features are restricted to the subscribers of the particular private on-line service, the on-line service can be used in situations where privacy is important.¹²

Accordingly, one of ordinary skill in the art would not be motivated to map each interface to a different sub-domain because, according to Carlin, “[a]s can be seen from FIGS. 4-5, from the subscriber's standpoint, it appears that he is connected to an on-line service which is administered by the service provider.” That is, Carlin has already achieved the desired appearance from the subscriber's standpoint. Elsewhere Carlin states, “[c]onsequently, each subscriber sees the on-line service to which he or she subscribes as an independent service provided by the service provider.” Specifically, if the Office Action states the above quoted limitations from claim 27 are not taught by Carlin and Carlin states that from the subscribers

¹¹ Office Action, page

¹² Carlin, col. 8, lines 54- 56.

standpoint the independent service is provided by the service provider then one of ordinary skill in the art would not be motivated to modify Carlin to include the solution recited by claim 27. That is, Applicants read Carlin as providing multiple reasons not to modify Carlin because Carlin has already solved its problem by explicitly identifying solutions that are different from the solution recited by the quoted limitations of claim 27.

Finally the Office Action states:

Carlin teaching the use of multiple servers, each operating within different domains (i.e. "multi-provider"), the naming conventions of Domain Names would legitimately map the proper sub-services and sub-domains to the relevant domains.¹³

Applicant disagrees. Applicant disagrees for the reason that nowhere does Carlin and RFC 1043, whether alone or in combination, teach or suggest the use of "member sites," as recited in claim 27 in the context of "domains" or "sub-domains," as further recited in claim 27. As mentioned above, the Office Action states "Carlin fails to specifically disclose...the first domain is a sub-domain of an address mapped to the first member site and that the second domain is a sub-domain of an address mapped to the second member site."¹⁴ Further, RFC 1043 merely describes "how the domain hierarchy works."¹⁵

The above remarks are also applicable to independent claims 35 and 38.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 28-29, 31-34, 49-65, 69 and 70 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 35, 38-40, and 42-46

Claims 35, 38-40, and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlin, "Domain Names - Concepts and Facilities" (RFC 1034), Lowery et al (US Patent 5,894,554), hereinafter Lowery, and Fisher.

¹³ Office Action, page 20.

¹⁴ Office Action, page 3.

¹⁵ Office Action, page

Lowery relates a web server that intercepts a request and routes the request to one of multiple page servers. Lowery also fails to teach or suggest the above quoted limitations from claim 27. Accordingly, Lowery cannot supply what is lacking in Carlin, RFC 1043, or Fisher.

Claim 46 was cancelled.

Independent claims 35 and 38 include limitations substantially similar to independent claim 27. Accordingly, the above remarks are also applicable to independent claims 35 and 38.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of dependent claims 39-40, and 42-46 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 66-68

Claims 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlin, RFC 1034, Fisher, and Sadiq et al (US Patent 6,032,153), hereinafter Sadiq.

Sadiq relates a method and system for maintaining persistence in shared object system. Sadiq fails to teach or suggest the above quoted limitations from claim 27. Accordingly, Sadiq cannot supply what is lacking in Lowery, Carlin, RFC 1043, or Fisher.

Claims 66-68 depend on independent claim 27. Accordingly, the above remarks are also applicable to claims 66-68.

CONCLUSION

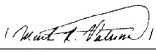
Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(408) 278-4046

Date December 17, 2010

By 
Mark R. Vatuone
Reg. No. 53,719